

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re RCI Hospitality Holdings, Inc.
Securities Litigation

Master File No. 4:19-cv-01841-AHB

**PLAINTIFFS' UNOPPOSED EMERGENCY MOTION TO CONTINUE FINAL CLASS
ACTION SETTLEMENT HEARING**

Lead Plaintiffs Roger DeMaggio, Patrick Prah, Justin Kinslow, Joseph Milo, and Edgar M. Kee (the “Plaintiffs”), by and through the undersigned counsel, respectfully move for an order continuing the final settlement hearing (“Settlement Hearing”) to no earlier than August 1, 2022. This motion is unopposed.¹

1. On April 15, 2022, Plaintiffs filed their Unopposed Motion for: (I) Preliminary Approval of Class Action Settlement; (II) Certification of the Settlement Class; and (III) Approval of Notice of the Settlement. Dkt No. 69.

2. On April 28, 2022, the Court entered its Unopposed Order Preliminarily Approving Settlement (“Preliminary Approval Order”). Dkt No. 71. The Preliminary Approval Order set the Settlement Hearing for June 24, 2022. *Id.* at ¶ 5.

3. However, the Class Action Fairness Act (“CAFA”), provides, *inter alia*, (i) within ten days of filing a proposed class action settlement, each defendant participating in the proposed settlement must serve the appropriate state official in each state in which class members reside and the appropriate federal official, with a notice of settlement (28 U.S.C. § 1715(b)); and (ii) any order giving final approval of a proposed settlement may not be issued earlier than 90 days

¹ Defendants are RCI Hospitality Holdings, Inc., Eric Langan, Phillip Marshall, Nour-Dean Anakar, and Steven L. Jenkins (collectively, “Defendants”). Lead Plaintiffs’ Counsel have conferred with Defendants’ Counsel, and Defendants do not oppose entry of the proposed Order.

after the later of the dates on which the appropriate federal official and the appropriate state official are served with the required notice (28 U.S.C. § 1715(d)).

4. Defendants provided the notice required by CAFA on May 2, 2022. Thus, Plaintiffs respectfully request that the Court continue the date for the Settlement Hearing **until at least August 1, 2022 (i.e., 90 days from May 2, 2022).**

5. Plaintiffs seek expedited relief because, pursuant to Fed. R. Civ. P. 23, the Private Securities Litigation Reform Act of 1995, and the due process clause, Plaintiffs are required to provide notice of, among other things, the proposed settlement to the settlement class. The deadline to provide notice is keyed off the date of the Settlement Hearing. Thus, unless the date of the Settlement Hearing is continued, Lead Plaintiffs' Counsel will have to mail notice by May 26, 2022. And, because thousands of notices need to be printed and labeled, the information contained in the Court-approved postcard notice (including other dates tied to the date of the Settlement Hearing) **must be finalized by Monday, May 9, 2022.**

6. Accordingly, Plaintiffs respectfully request that the Court continue the date for the Settlement Hearing until at least August 1, 2022.

Dated: May 5, 2022

By: s/ Kara M. Wolke

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Liaison Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2022, I electronically filed a true and correct copy the foregoing document with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record who have consented to electronic notification.

/s/ Kara M. Wolke

Kara M. Wolke